

An Act

1
2 AN ACT
3

4 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
5
6
7

8 To approve the request of the District of Columbia government for appropriation and
9 authorization the fiscal year ending September 30, 2005.
10

11 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
12 act may be cited as the "Fiscal Year 2005 Budget Request Act".
13

14 Sec. 2. The Council of the District of Columbia approves the following expenditure
15 levels and appropriation language for the government of the District of Columbia for the fiscal
16 year ending September 30, 2005.
17

18 DIVISION – A
19

20 DISTRICT OF COLUMBIA APPROPRIATION REQUEST
21

22 TITLE I--FEDERAL FUNDS
23

24 Federal Payment for Resident Tuition Support
25

26 For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for
27 a nationwide program to be administered by the Mayor, for District of Columbia resident tuition
28 support, \$23,000,000, to remain available until expended: *Provided*, That such funds, including
29 any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to
30 pay an amount based upon the difference between in-State and out-of-State tuition at public
31 institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of
32 higher education: *Provided further*, That the awarding of such funds may be prioritized on the
33 basis of a resident's academic merit, the income and need of eligible students and such other
34 factors as may be authorized: *Provided further*, That the District of Columbia government shall
35 maintain a dedicated account for the Resident Tuition Support Program that shall consist of the
36 Federal funds appropriated to the Program in this Act and any subsequent appropriations, any
37 unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year:
38 *Provided further*, That the account shall be under the control of the District of Columbia Chief
39 Financial Officer who shall use those funds solely for the purposes of carrying out the Resident
40 Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall
41 provide a quarterly financial report for amounts in the account to the Committees on
42 Appropriations of the House of Representatives and Senate and to the President showing, by
43 object class, the expenditures made and the purpose therefor: *Provided further*, That not more
44 than 7 percent of the total amount appropriated for this program may be used for administrative
45 expenses.
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3 Federal Payment for Emergency Planning and Security Costs in the District of Columbia
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5 For necessary expenses, as determined by the Mayor of the District of Columbia in written
6 consultation with the elected county or city officials of surrounding jurisdictions, \$25,000,000, to
7 remain available until expended, to reimburse the District of Columbia for the costs of providing
8 public safety at events related to the presence of the national capital in the District of Columbia
9 and for the costs of providing support to respond to immediate and specific terrorist threats or
10 attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount
11 provided under this heading shall be available only after notice of its proposed use has been
12 transmitted by the President to Congress and such amount has been apportioned pursuant to
13 chapter 15 of title 31, United States Code.
14

15 Federal Payment to the District of Columbia Courts
16

17 For salaries and expenses for the District of Columbia Courts, \$228,069,000, to be allocated as
18 follows: for the District of Columbia Court of Appeals, \$8,952,000 of which not to exceed
19 \$1,500 is for official reception and representation expenses; for the District of Columbia
20 Superior Court, \$84,948,000, of which not to exceed \$1,500 is for official reception and
21 representation expenses; for the District of Columbia Court System, \$40,699,000, of which not
22 to exceed \$1,500 is for official reception and representation expenses; and \$93,470,000, to
23 remain available until September 30, 2006, for capital improvements for District of Columbia
24 courthouse facilities: *Provided*, That funds made available for capital improvements shall be
25 expended consistent with the General Services Administration master plan study and building
26 evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts
27 under this heading shall be apportioned quarterly by the Office of Management and Budget and
28 obligated and expended in the same manner as funds appropriated for salaries and expenses of
29 other Federal agencies, with payroll and financial services to be provided on a contractual basis
30 with the General Services Administration (GSA), said services to include the preparation of
31 monthly financial reports, copies of which shall be submitted directly by GSA to the President
32 and to the Committees on Appropriations of the House of Representatives and Senate, the
33 Committee on Government Reform of the House of Representatives, and the Committee on
34 Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written
35 notice to the Committees on Appropriations of the House of Representatives and Senate and to
36 the President, the District of Columbia Courts may reallocate not more than \$1,000,000 of the
37 funds provided under this heading among the items and entities funded under such heading.
38

39 Defender Services in District of Columbia Courts
40

41 For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code
42 (relating to representation provided under the District of Columbia Criminal Justice Act),
43 payments for counsel appointed in proceedings in the Family Court of the Superior Court of the
44 District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual
45 agreements to provide guardian ad litem representation, training, technical assistance and/or such
46 other services as are necessary to improve the quality of guardian ad litem representation,

1 payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code,
2 and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to
3 representation provided under the District of Columbia Guardianship, Protective Proceedings,
4 and Durable Power of Attorney Act of 1986), \$41,500,000, to remain available until expended:
5 *Provided*, That the funds provided in this Act under the heading ``Federal Payment to the District
6 of Columbia Courts" (other than the \$93,470,000 provided under such heading for capital
7 improvements for District of Columbia courthouse facilities) may also be used for payments
8 under this heading: *Provided further*, That in addition to the funds provided under this heading,
9 the Joint Committee on Judicial Administration in the District of Columbia shall use funds
10 provided in this Act under the heading ``Federal Payment to the District of Columbia Courts"
11 (other than the \$93,470,000 provided under such heading for capital improvements for District of
12 Columbia courthouse facilities), to make payments described under this heading for obligations
13 incurred during any fiscal year: *Provided further*, That funds provided under this heading shall
14 be administered by the Joint Committee on Judicial Administration in the District of Columbia:
15 *Provided further*, That notwithstanding any other provision of law, this appropriation shall be
16 apportioned quarterly by the Office of Management and Budget and obligated and expended in
17 the same manner as funds appropriated for expenses of other Federal agencies, with payroll and
18 financial services to be provided on a contractual basis with the General Services Administration
19 (GSA), said services to include the preparation of monthly financial reports, copies of which
20 shall be submitted directly by GSA to the President and to the Committees on Appropriations of
21 the House of Representatives and Senate, the Committee on Government Reform of the House of
22 Representatives, and the Committee on Governmental Affairs of the Senate.

23
24 Federal Payment to the Court Services and Offender Supervision Agency for the District of
25 Columbia
26

27 (INCLUDING TRANSFER OF FUNDS)
28

29 For salaries and expenses, including the transfer and hire of motor vehicles, of the Court
30 Services and Offender Supervision Agency for the District of Columbia and the Public Defender
31 Service for the District of Columbia, as authorized by the National Capital Revitalization and
32 Self-Government Improvement Act of 1997, \$187,490,000, of which not to exceed \$2,000 is for
33 official reception and representation expenses related to Community Supervision and Pretrial
34 Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating
35 to the implementation of the Court Services and Offender Supervision Agency Interstate
36 Supervision Act of 2002; of which \$118,343,000 shall be for necessary expenses of Community
37 Supervision and Sex Offender Registration, to include expenses relating to the supervision of
38 adults subject to protection orders or the provision of services for or related to such persons; of
39 which \$39,314,000 shall be available to the Pretrial Services Agency; and of which \$29,833,000
40 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That
41 notwithstanding any other provision of law, all amounts under this heading shall be apportioned
42 quarterly by the Office of Management and Budget and obligated and expended in the same
43 manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided*
44 *further*, That the Director is authorized to accept and use gifts in the form of in-kind
45 contributions of space and hospitality to support offender and defendant programs, and
46 equipment and vocational training services to educate and train offenders and defendants:

1 *Provided further*, That the Director shall keep accurate and detailed records of the acceptance
2 and use of any gift or donation under the previous proviso, and shall make such records available
3 for audit and public inspection: *Provided further*, That the Court Services and Offender
4 Supervision Agency Director is authorized to accept and use reimbursement from the D.C.
5 Government for space and services provided on a cost reimbursable basis: *Provided further*, That
6 the Public Defender Service is authorized to charge fees to cover costs of materials distributed to
7 attendees of educational events, including conferences, sponsored by the Public Defender
8 Service, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to the Public Defender
9 Service account to be available for use without further appropriation.

10
11 Federal Payment to the District of Columbia Water and Sewer Authority
12

13 For a Federal payment to the District of Columbia Water and Sewer Authority, \$10,000,000,
14 to remain available until expended, to continue implementation of the Combined Sewer
15 Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority
16 provides a 100 percent match for this payment.
17

18 Federal Payment for the Anacostia Waterfront Initiative
19

20 For a Federal payment to the District of Columbia Department of Transportation, \$3,000,000,
21 to remain available until September 30, 2006, for design and construction of a continuous
22 pedestrian and bicycle trail system from the Potomac River to the District's border with
23 Maryland.
24

25 Federal Payment to the Criminal Justice Coordinating Council
26

27 For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to support
28 initiatives related to the coordination of Federal and local criminal justice resources in the
29 District of Columbia.
30

31 Federal Payment for the Unified Communications Center
32

33 For a Federal payment to the District of Columbia, \$7,000,000, to remain available until
34 September 30, 2006, for acquisition of technical systems to be used in the Unified
35 Communications Center.
36

37 Federal Payment for the D.C. Fire and Emergency Medical Services Department
38

39 For a Federal payment to the District of Columbia Fire and Emergency Medical Services
40 Department, \$10,000,000, to remain available until September 30, 2006, for capital costs of such
41 Department: *Provided*, That the District of Columbia shall use these funds to rebuild and
42 renovate facilities located at 1338 Park Road, N.W., Washington, D.C., and 500 F Street, N.W.,
43 Washington, D.C.
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1 Federal Payment for a Family Literacy Program

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3 For a Federal payment to the District of Columbia, \$5,000,000 for a family literacy program
4 to address the needs of literacy-challenged parents while endowing their children with an
5 appreciation for literacy and strengthening familial ties: *Provided*, That the District of Columbia
6 shall provide a 100 percent match with local funds as a condition of receiving this payment.
7

8 Federal Payment for Transportation Assistance

9
10 For a Federal payment to the District of Columbia Department of Transportation,
11 \$165,700,000 for the District of Columbia's allocated operating subsidy payment to the
12 Washington Metropolitan Area Transit Authority.
13

14 Federal Payment for School Improvement

15
16 For a Federal payment for a School Improvement Program in the District of Columbia,
17 \$40,000,000, to be allocated as follows: for the District of Columbia Public Schools,
18 \$13,000,000 to improve public school education in the District of Columbia; for the State
19 Education Office, \$13,000,000 to expand quality charter schools in the District of Columbia; for
20 the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships
21 for students in the District of Columbia in accordance with title III of this Act, of which up to
22 \$1,000,000 may be used to administer and fund assessments for title III of this Act: *Provided*,
23 That the District of Columbia Public Schools shall submit a plan for the use of funds provided
24 under this heading for public school education to the Committees on Appropriations of the
25 House of Representatives and Senate, the Committee on Education and the Workforce and the
26 Committee on Government Reform of the House of Representatives, the Committee on Health,
27 Education, Labor, and Pensions of the Senate, and to the President; *Provided further*, That the
28 funds provided under this heading for public school education shall not be made available until
29 30 calendar days after the submission of a spending plan by the District of Columbia Public
30 Schools to the Committees on Appropriations of the House of Representatives and Senate, and to
31 the President.
32

33 Federal Payment for District of Columbia Public School Security

34
35 For a Federal payment to the Mayor of the District of Columbia, \$15,000,000 to improve
36 security within the public schools of the District of Columbia.
37

38 Federal Payment for Bioterrorism Preparedness in the District of Columbia

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40 For a Federal payment to the District of Columbia Metropolitan Police Department,
41 \$80,000,000 to develop a Forensics and Bioterrorism laboratory.
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1 TITLE II--DISTRICT OF COLUMBIA FUNDS

2
3 OPERATING EXPENSES

4
5 Division of Expenses

6
7 The following amounts are appropriated for the District of Columbia for the current fiscal year
8 out of the general fund of the District of Columbia, except as otherwise specifically provided:
9 *Provided*, That notwithstanding any other provision of law, except as provided in section 450A
10 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a) and section 110,
11 section 118, section 119 and section 120 of this Act, the total amount appropriated in this Act for
12 operating expenses for the District of Columbia for fiscal year 2004 under this heading shall not
13 exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year
14 or \$6,676,924,000 (of which \$4,172,690,000 shall be from local funds, \$1,749,690,000 shall be
15 from Federal funds, \$309,791,000 shall be from other funds, and \$13,314,000 shall be from
16 private funds): *Provided further*, That this amount may be increased by proceeds of one-time
17 transactions, which are expended for emergency or unanticipated operating or capital needs:
18 *Provided further*, That such increases shall be approved by enactment of local District law and
19 shall comply with all reserve requirements contained in the District of Columbia Home Rule Act
20 as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of
21 Columbia shall take such steps as are necessary to assure that the District of Columbia meets
22 these requirements, including the apportioning by the Chief Financial Officer of the
23 appropriations and funds made available to the District during fiscal year 2004, except that the
24 Chief Financial Officer may not reprogram for operating expenses any funds derived from
25 bonds, notes, or other obligations issued for capital projects.

26
27 Governmental Direction and Support

28
29 Governmental direction and support, \$405,938,000 (including \$258,257,000 from local funds,
30 \$101,011,000 from Federal funds, and \$46,671,000 from other funds): *Provided*, That not to
31 exceed \$9,300 for the Mayor, \$9,300 for the Chairman of the Council of the District of
32 Columbia, \$9,300 for the City Administrator, and \$9,300 for the Office of the Chief Financial
33 Officer shall be available from this appropriation for official reception and representation
34 expenses: *Provided further*, That any program fees collected from the issuance of debt shall be
35 available for the payment of expenses of the debt management program of the District of
36 Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the
37 operations or activities of the Statehood Commission and Statehood Compact Commission:
38 *Provided further*, That the District of Columbia shall identify the sources of funding for
39 Admission to Statehood from its own locally generated revenues: *Provided further*, That
40 notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the
41 Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000:
42 *Provided further*, That the District of Columbia government may not require the Office of the
43 Chief Technology Officer to submit to any other procurement review process, or to obtain the
44 approval of or be restricted in any manner by any official or employee of the District of
45 Columbia government, for purchases that do not exceed \$500,000.

1
2 Economic Development and Regulation
3

4 Economic development and regulation, \$315,631,000 (including \$55,584,000 from local
5 funds, \$93,050,000 from Federal funds, \$166,873,000 from other funds, and \$125,000 from
6 private funds), of which \$15,000,000 collected by the District of Columbia in the form of BID
7 tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts
8 Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business
9 Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-
10 1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the
11 General Services Administration: *Provided further*, That Business Improvement Districts shall
12 be exempt from taxes levied by the District of Columbia.
13

14 Public Safety and Justice
15

16 Public safety and justice, \$798,363,000 (including \$765,324,000 from local funds, \$7,899,000
17 from Federal funds, \$25,131,000 from other funds, and \$9,000 from private funds): *Provided*,
18 That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for
19 the prevention and detection of crime: *Provided further*, That the Mayor shall reimburse the
20 District of Columbia National Guard for expenses incurred in connection with services that are
21 performed in emergencies by the National Guard in a militia status and are requested by the
22 Mayor, in amounts that shall be jointly determined and certified as due and payable for these
23 services by the Mayor and the Commanding General of the District of Columbia National Guard:
24 *Provided further*, That such sums as may be necessary for reimbursement to the District of
25 Columbia National Guard under the preceding proviso shall be available from this appropriation,
26 and the availability of the sums shall be deemed as constituting payment in advance for
27 emergency services involved.
28

29 Public Education System
30

31 (INCLUDING TRANSFERS OF FUNDS)
32

33 Public education system, including the development of national defense education programs,
34 \$1,230,046,000 (including \$1,048,316,000 from local funds, \$168,979,000 from Federal funds,
35 \$8,972,000 from other funds, \$3,780,000 from private funds to be allocated as follows:
36

37 (1) District of Columbia Public Schools.-- \$889,324,000 (including \$760,876,000 from local
38 funds, \$117,450,000 from Federal funds, \$7,328,000 from other funds, \$3,670,000 from private
39 funds shall be available for District of Columbia Public Schools: *Provided*, That notwithstanding
40 any other provision of law, rule, or regulation, the evaluation process and instruments for
41 evaluating District of Columbia Public School employees shall be a non-negotiable item for
42 collective bargaining purposes: *Provided further*, That this appropriation shall not be available to
43 subsidize the education of any nonresident of the District of Columbia at any District of
44 Columbia public elementary or secondary school during fiscal year 2004 unless the nonresident
45 pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by
46 the District of Columbia that are attributable to the education of the nonresident (as established

1 by the Superintendent of the District of Columbia Public Schools): *Provided further*, That
2 notwithstanding the amounts otherwise provided under this heading or any other provision of
3 law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004, an
4 amount equal to 10 percent of the total amount of the local funds appropriation request provided
5 for the District of Columbia Public Schools in the proposed budget of the District of Columbia
6 for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be
7 chargeable against the final amount provided for the District of Columbia Public Schools under
8 the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed \$9,300
9 for the Superintendent of Schools shall be available from this appropriation for official reception
10 and representation expenses.

11
12 (2) Teachers' Retirement Fund.-- \$9,200,000 from local funds shall be available for the
13 Teacher's Retirement Fund.

14
15 (3) State Education Office.-- \$60,533,000 (including \$10,444,000 from local funds,
16 \$49,914,000 from Federal funds, and \$176,000 from other funds) shall be available for the State
17 Education Office: *Provided*, That of the amounts provided to the State Education Office,
18 \$911,398 from local funds shall remain available until June 30, 2006 for an audit of the student
19 enrollment of each District of Columbia Public School and of each District of Columbia public
20 charter school.

21
22 (4) District of Columbia Public Charter Schools.-- \$189,780,000 from local funds shall be
23 available for District of Columbia public charter schools: *Provided*, That there shall be quarterly
24 disbursement of funds to the District of Columbia public charter schools, with the first payment
25 to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety
26 of this allocation has not been provided as payments to any public charter schools currently in
27 operation through the per pupil funding formula, the funds shall remain available for public
28 education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act
29 of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2)): *Provided further*, That of the amounts made
30 available to District of Columbia public charter schools, \$100,000 shall be made available to the
31 Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of
32 Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(6)): *Provided*
33 *further*, That notwithstanding the amounts otherwise provided under this heading or any other
34 provision of law, there shall be appropriated to the District of Columbia public charter schools on
35 July 1, 2004, an amount equal to 25 percent of the total amount of the local funds appropriation
36 request provided for payments to public charter schools in the proposed budget of the District of
37 Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall
38 be chargeable against the final amount provided for such payments under the District of
39 Columbia Appropriations Act, 2005.

40
41 (5) University of the District of Columbia Subsidy.-- \$48,656,000 from local funds shall be
42 available for the University of the District of Columbia Subsidy: *Provided*, That this
43 appropriation shall not be available to subsidize the education of nonresidents of the District of
44 Columbia at the University of the District of Columbia, unless the Board of Trustees of the
45 University of the District of Columbia adopts, for the fiscal year ending September 30, 2004, a
46 tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower

1 than the nonresident tuition rate charged at comparable public institutions of higher education in
2 the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided
3 under this heading or any other provision of law, there shall be appropriated to the University of
4 the District of Columbia on July 1, 2004, an amount equal to 10 percent of the total amount of
5 the local funds appropriation request provided for the University of the District of Columbia in
6 the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress),
7 and the amount of such payment shall be chargeable against the final amount provided for the
8 University of the District of Columbia under the District of Columbia Appropriations Act, 2005:
9 *Provided further*, That not to exceed \$9,300 for the President of the University of the District of
10 Columbia shall be available from this appropriation for official reception and representation
11 expenses.

12
13 (6) District of Columbia Public Libraries.-- \$29,610,000 (including \$27,740,000 from local
14 funds, \$1,093,000 from Federal funds, \$668,000 from other funds, and \$110,000 from private
15 funds) shall be available for the District of Columbia Public Libraries: *Provided*, That not to
16 exceed \$7,500 for the Public Librarian shall be available from this appropriation for official
17 reception and representation expenses.

18
19 (7) Commission on the Arts and Humanities.-- \$2,942,000 (including \$1,620,000 from local
20 funds, \$523,000 from Federal funds, and \$800,000 from other funds) shall be available for the
21 Commission on the Arts and Humanities.

22 23 Human Support Services

24 25 (INCLUDING TRANSFER OF FUNDS)

26
27 Human support services, \$2,605,010,000 (including \$1,208,418,000 from local funds,
28 \$1,359,752,000 from Federal funds, \$27,441,000 from other funds, \$9,400,000 from private
29 funds: *Provided*, That \$29,600,000 of this appropriation, to remain available until expended,
30 shall be available solely for District of Columbia employees' disability compensation.

31 32 Public Works

33
34 Public works, including rental of one passenger-carrying vehicle for use by the Mayor and
35 three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing
36 of passenger-carrying vehicles, \$329,939,000 (including \$299,826,000 from local funds,
37 \$4,000,000 from Federal funds, and \$26,114,000 from other funds): *Provided*, That this
38 appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and
39 places of business.

40 41 Cash Reserve

42
43 For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of
44 Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official
45 Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$349,500,000 from local funds.

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, \$4,000,000 from local funds.

Certificates of Participation

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$11,252,000 from local funds.

Settlements and Judgments

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$22,522,000 from local funds: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

Wilson Building

For expenses associated with the John A. Wilson building, \$4,397,000 from local funds.

Workforce Investments

For workforce investments, \$38,114,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable. *Provided*, That of this amount \$695,000 shall remain available until expended to meet the requirements of the “Compensation Agreement Between the District of Columbia Government Units 1 and 2 Approval Resolution of 2004,” (D.C. Resolution R15-459, enacted 02/17/2004).

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$12,590,000 (including \$4,000,000 from local funds and \$8,590,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: *Provided*, That \$4,000,000 from local funds shall be for anticipated costs associated with the No Child Left Behind Act.

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For Emergency Planning and Security Fund, \$15,000,000 from Federal funds.

One-Time Expenditures

For One-Time Expenditures, \$2,660,000 from local funds to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act.

Tax Increment Financing Program

For a Tax Increment Financing Program, \$9,710,000 from local funds.

Equipment Lease Operating

For Equipment Lease Operating \$23,109,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance \$19,453,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

Emergency and Contingency Reserve Funds

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a), *\$17,702,000 and such additional* amounts from local funds as are necessary to meet the balance requirements for such funds under such section: *Provided*, That beginning in fiscal year 2005 and each subsequent fiscal year the amount appropriated under the heading “Repayment of Loans and Interest” shall not be included in the calculation of the total amount appropriated for operating expenses for the District of Columbia, for purposes of determining the amount necessary to meet the balance requirements for such funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, \$275,289,000 from other funds, of which \$15,180,402 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$371,040,000 to be distributed as follows: \$181,656,000 for the Blue Plains Wastewater Treatment Plant, \$43,800,000 for the sewer program, \$9,118,000 for the stormwater program, \$122,627,000 for the water program, and \$13,839,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

1 Washington Aqueduct

2
3 For operation of the Washington Aqueduct, \$46,872,000 from other funds.

4
5 Stormwater Permit Compliance Enterprise Fund

6
7 For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,792,000 from other
8 funds.

9
10 Lottery and Charitable Games Enterprise Fund

11
12 For the Lottery and Charitable Games Enterprise Fund, established by the District of
13 Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize
14 Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District
15 of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.),
16 \$247,000,000 from other funds: *Provided*, That the District of Columbia shall identify the source
17 of funding for this appropriation title from the District's own locally generated revenues:
18 *Provided further*, That no revenues from Federal sources shall be used to support the operations
19 or activities of the Lottery and Charitable Games Control Board: *Provided further*, That the
20 Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the
21 general fund of the District of Columbia, in excess of this appropriation, if such funds are
22 available for transfer.

23
24 Sports and Entertainment Commission

25
26 For the Sports and Entertainment Commission, \$7,322,000 from local funds.

27
28 District of Columbia Retirement Board

29
30 For the District of Columbia Retirement Board, established pursuant to section 121 of the
31 District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-711),
32 \$15,277,000 from the earnings of the applicable retirement funds to pay legal, management,
33 investment, and other fees and administrative expenses of the District of Columbia Retirement
34 Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress
35 and to the Council of the District of Columbia a quarterly report of the allocations of charges by
36 fund and of expenditures of all funds: *Provided further*, That the District of Columbia
37 Retirement Board shall provide the Mayor, for transmittal to the Council of the District of
38 Columbia, an itemized accounting of the planned use of appropriated funds in time for each
39 annual budget submission and the actual use of such funds in time for each annual audited
40 financial report.

41
42 Washington Convention Center Enterprise Fund

43
44 For the Washington Convention Center Enterprise Fund, \$77,176,000 from other funds.

1 National Capital Revitalization Corporation

2
3 For the National Capital Revitalization Corporation, \$7,850,000 from other funds.

4
5 University of the District of Columbia

6
7 For the University of the District of Columbia, \$84,156,000 (including, \$48,656,000 from
8 local funds previously appropriated in this Act under the heading "Public Education Systems",
9 \$15,192,000 from Federal funds, \$19,434,000 from other funds, and \$873,000 from private
10 funds): *Provided*, That this appropriation shall not be available to subsidize the education of
11 nonresidents of the District of Columbia at the University of the District of Columbia, unless the
12 Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending
13 September 30, 2004, a tuition rate schedule that will establish the tuition rate for nonresident
14 students at a level no lower than the nonresident tuition rate charged at comparable public
15 institutions of higher education in the metropolitan area.

16
17 Capital Outlay

18
19 (INCLUDING RESCISSIONS)

20
21 For construction projects, an increase of \$1,507,710,000, of which \$787,188,000 shall be
22 from local funds, \$46,014,000 from Highway Trust funds, \$37,000,000 from the Rights-of-way
23 funds, \$218,880,000 from Federal grant funds, and a rescission of \$418,628,000 from local
24 funds appropriated under this heading in prior fiscal years, for a net amount of \$405,560,000, to
25 remain available until expended: *Provided*, That funds for use of each capital project
26 implementing agency shall be managed and controlled in accordance with all procedures and
27 limitations established under the Financial Management System: *Provided further*, That all funds
28 provided by this appropriation title shall be available only for the specific projects and purposes
29 intended: *Provided further*, That the Office of the Chief Technology Officer of the District of
30 Columbia shall implement the following information technology projects on behalf of the
31 District of Columbia Public Schools: Student Information System (project number T2240),
32 Student Information System PCS (project number T2241), Enterprise Resource Planning (project
33 number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number
34 T2244).

35
36 TITLE IV--GENERAL PROVISIONS

37
38 SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular
39 purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered
40 as the maximum amount that may be expended for said purpose or object rather than an amount
41 set apart exclusively therefor.

42
43 SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the
44 payment of dues of organizations concerned with the work of the District of Columbia
45 government, when authorized by the Mayor: *Provided*, That in the case of the Council of the

1 District of Columbia, funds may be expended with the authorization of the Chairman of the
2 Council.

3
4 SEC. 103. There are appropriated from the applicable funds of the District of Columbia such
5 sums as may be necessary for making refunds and for the payment of legal settlements or
6 judgments that have been entered against the District of Columbia government: *Provided*, That
7 nothing contained in this section shall be construed as modifying or affecting the provisions of
8 section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947
9 (D.C. Official Code, sec. 47-1812.11(c)(3)).

10
11 SEC. 104. No part of any appropriation contained in this Act shall remain available for
12 obligation beyond the current fiscal year unless expressly to provided herein.

13
14 SEC. 105. (a) Except as provided in subsection (b), no part of this appropriation shall be used
15 for publicity or propaganda purposes or implementation of any policy including boycott designed
16 to support or defeat legislation pending before Congress or any State legislature.

17
18 (b) The District of Columbia may use local funds provided in this Act to carry out lobbying
19 activities on any matter other than--

20
21 (1) the promotion or support of any boycott; or

22
23 (2) statehood for the District of Columbia or voting representation in Congress for the District
24 of Columbia.

25
26 (c) Nothing in this section may be construed to prohibit any elected official from advocating
27 with respect to any of the issues referred to in subsection (b).

28
29 SEC. 106. (a) None of the funds provided under this Act to the agencies funded by this Act,
30 both Federal and District government agencies, that remain available for obligation or
31 expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United
32 States derived by the collection of fees available to the agencies funded by this Act, shall be
33 available for obligation or expenditures for an agency through a reprogramming of funds which--

34
35 (1) creates new programs;

36
37 (2) eliminates a program, project, or responsibility center;

38
39 (3) establishes or changes allocations specifically denied, limited or increased under this Act;

40
41 (4) increases funds or personnel by any means for any program, project, or responsibility
42 center for which funds have been denied or restricted;

43
44 (5) reestablishes any program or project previously deferred through reprogramming;

1 (6) augments any existing program, project, or responsibility center through a reprogramming
2 of funds in excess of \$1,000,000 or 10 percent, whichever is less; or

3
4 (7) increases by 20 percent or more personnel assigned to a specific program, project or
5 responsibility center,

6
7 unless the Committee on Appropriations of the House of Representatives and Senate are notified
8 in writing 30 days in advance of the reprogramming.

9
10 (b) None the local funds contained in this Act may be available for obligation or expenditure
11 for an agency through a transfer of any local funds in excess of \$1,000,000 from one
12 appropriation heading to another unless the Committees on Appropriations of the House of
13 Representatives and Senate are notified in writing 30 days in advance of the transfer, except that
14 in no event may the amount of any funds transferred exceed 4 percent of the local funds in the
15 appropriations.

16
17 SEC. 107. Consistent with the provisions of section 1301(a) of title 31, United States Code,
18 appropriations under this Act shall be applied only to the objects for which the appropriations
19 were made except as otherwise provided by law.

20
21 SEC. 108. Notwithstanding any other provisions of law, the provisions of the District of
22 Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C.
23 Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of
24 Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the
25 compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of
26 the District of Columbia government shall not be subject to the provisions of title 5, United
27 States Code.

28
29 SEC. 109. No later than 30 days after the end of the first quarter of fiscal year 2005, the Mayor
30 of the District of Columbia shall submit to the Council of the District of Columbia and the
31 Committees on Appropriations of the House of Representatives and Senate the new fiscal year
32 2005 revenue estimates as of the end of such quarter. These estimates shall be used in the budget
33 request for fiscal year 2006. The officially revised estimates at midyear shall be used for the
34 midyear report.

35
36 SEC. 110. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with
37 the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal,
38 private, and other grants received by the District government that are not reflected in the amounts
39 appropriated in this Act.

40
41 (b)(1) No such Federal, private, or other grant may be accepted, obligated, or expended
42 pursuant to subsection (a) until--

43
44 (A) the Chief Financial Officer of the District of Columbia submits to the Council a report
45 setting forth detailed information regarding such grant; and
46

1 (B) the Council has reviewed and approved the acceptance, obligation, and expenditure of
2 such grant.

3
4 (2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and
5 approved the acceptance, obligation, and expenditure of a grant if--

6
7 (A) no written notice of disapproval is filed with the Secretary of the Council within 14
8 calendar days of the receipt of the report from the Chief Financial Officer under paragraph
9 (1)(A); or

10
11 (B) if such a notice of disapproval is filed within such deadline, the Council does not by
12 resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar
13 days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

14
15 (c) No amount may be obligated or expended from the general fund or other funds of the
16 District of Columbia government in anticipation of the approval or receipt of a grant under
17 subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant
18 not subject to such subsection.

19
20 (d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal,
21 private, and other grants received by the District government reflected in the amounts
22 appropriated in this Act, or approved and received under subsection (b)(2) to reflect a change in
23 the actual amount of the grant.

24
25 (e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report
26 setting forth detailed information regarding all Federal, private, and other grants subject to this
27 section. Each such report shall be submitted to the Council of the District of Columbia and to the
28 Committees on Appropriations of the House of Representatives and Senate not later than 15 days
29 after the end of the quarter covered by the report.

30
31 SEC. 111. (a) Except as otherwise provided in this section, none of the funds made available
32 by this Act or by any other Act may be used to provide any officer or employee of the District of
33 Columbia with an official vehicle unless the officer or employee uses the vehicle only in the
34 performance of the officer's or employee's official duties. For purposes of this paragraph, the
35 term ``official duties" does not include travel between the officer's or employee's residence and
36 workplace, except in the case of--

37
38 (1) an officer or employee of the Metropolitan Police Department who resides in the District
39 of Columbia or is otherwise designated by the Chief of the Department;

40
41 (2) [at the discretion of the Fire Chief,] an officer or employee of the District of Columbia Fire
42 and Emergency Medical Services Department who resides in the District of Columbia and is on
43 call 24 hours a day or is otherwise designated by the Fire Chief;

44
45 (3) the Mayor of the District of Columbia; and
46

1 (4) the Chairman of the Council of the District of Columbia.
2

3 (b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2005, an
4 inventory, as of September 30, 2004, of all vehicles owned, leased or operated by the District of
5 Columbia government. The inventory shall include, but not be limited to, the department to
6 which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the
7 general condition of the vehicle; annual operating and maintenance costs; current mileage; and
8 whether the vehicle is allowed to be taken home by a District officer or employee and if so, the
9 officer or employee's title and resident location.
10

11 SEC. 112. None of the funds contained in this Act may be used for purposes of the annual
12 independent audit of the District of Columbia government for fiscal year 2005 unless--
13

14 (1) the audit is conducted by the Inspector General of the District of Columbia, in coordination
15 with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the
16 District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2-302.8); and
17

18 (2) the audit includes as a basic financial statement a comparison of audited actual year-end
19 results with the revenues submitted in the budget document for such year and the appropriations
20 enacted into law for such year using the format, terminology, and classifications contained in the
21 law making the appropriations for the year and its legislative history.
22

23 SEC. 113. (a) No later than 30 calendar days after the date of the enactment of this Act,
24 the Chief Financial Officer of the District of Columbia shall submit to the appropriate
25 committees of Congress, the Mayor, and the Council of the District of Columbia a revised
26 appropriated funds operating budget in the format of the budget that the District of Columbia
27 government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C.
28 Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal
29 year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted
30 data for personal services and other-than-personal-services, respectively, with anticipated actual
31 expenditures. (b) Applicability - This provision shall apply only to an agency where the Chief
32 Financial Officer of the District of Columbia certifies that a reallocation is required to address
33 unanticipated changes in program requirements.
34

35 SEC. 114. None of the Federal funds made available in this Act may be transferred to any
36 department, agency, or instrumentality of the United States Government, except pursuant to a
37 transfer made by, or transfer authority provided in, this Act or any other appropriation Act.
38

39 SEC. 115. Notwithstanding any other law, the District of Columbia Courts shall transfer to the
40 general treasury of the District of Columbia all fines levied and collected by the Courts under
41 section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-
42 2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be
43 used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic
44 alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C.
45 Official Code, sec. 50-2201.05(b)(3)).
46

1 SEC. 116. None of the funds contained in this Act may be made available to pay--

2
3 (1) the fees of an attorney who represents a party in an action or an attorney who defends an
4 action, including an administrative proceeding, brought against the District of Columbia Public
5 Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess
6 of \$4,000 for that action; or

7
8 (2) the fees of an attorney or firm whom the Chief Financial Officer of the District of
9 Columbia determines to have a pecuniary interest, either through an attorney, officer or
10 employee of the firm, in any special education diagnostic services, schools, or other special
11 education service providers.

12
13 SEC. 117. The Chief Financial Officer of the District of Columbia shall require attorneys in
14 special education cases brought under the Individuals with Disabilities Act (IDEA) in the District
15 of Columbia to certify in writing that the attorney or representative rendered any and all services
16 for which they receive awards, including those received under a settlement agreement or as part
17 of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That
18 as part of the certification, the Chief Financial Officer of the District of Columbia shall require
19 all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of
20 directors, or other relationships with any special education diagnostic services, schools, or other
21 special education service providers to which the attorneys have referred any clients as part of this
22 certification: *Provided further*, That the Chief Financial Officer shall prepare and submit
23 quarterly reports to the Committees on Appropriations of the House of Representatives and
24 Senate on the certification of and the amount paid by the government of the District of
25 Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under
26 IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct
27 investigations to determine the accuracy of the certifications.

28
29 SEC. 118. The amount appropriated by this Act may be increased by no more than
30 \$15,000,000 from funds identified in the comprehensive annual financial report as the District's
31 fiscal year 2004 unexpended general fund surplus. The District may obligate and expend these
32 amounts only in accordance with the following conditions:

33
34 (1) The Chief Financial Officer of the District of Columbia shall certify that the use of any
35 such amounts is not anticipated to have a negative impact on the District's long-term financial,
36 fiscal, and economic vitality.

37
38 (2) The District of Columbia may only use these funds for the following expenditures:

39
40 (A) Unanticipated one-time expenditures;

41
42 (B) To avoid deficit spending;

43
44 (C) Debt Reduction;

45
46 (D) Unanticipated program needs; or

1
2 (E) To avoid revenue shortfalls.

3
4 (3) The amounts shall be obligated and expended in accordance with laws enacted by the
5 Council in support of each such obligation or expenditure.

6
7 (4) The amounts may not be used to fund the agencies of the District of Columbia government
8 under court ordered receivership.

9
10 (5) The amounts may be obligated and expended only after notification of the Committees on
11 Appropriations of the House of Representatives and Senate in advance of any obligation or
12 expenditure.

13
14 SEC. 119. Notwithstanding any other provision of this Act, the Mayor, in consultation
15 with the Chief Financial Officer of the District of Columbia may expend funds that are not
16 reflected in the amounts appropriated in this Act to implement activities designed to improve the
17 collection of taxes and revenue within the District: *Provided*, That such increase in collections
18 are estimated to be at least twice the increase in expenditure necessary to implement the activity:
19 *Provided further*, That such activity shall be approved by the Council, contingent upon the
20 following:

21 (1) No written notice of disapproval being filed with the Secretary to the Council
22 within 14-calendar days of the delivery of a request to Council by the Secretary of the Council
23 from the Mayor, and no oral notice of disapproval being given during a meeting of the Council
24 during such 14-calendar day period; absent such disapproval, the request shall be deemed to be
25 approved; and

26 (2) Should notice of disapproval be given during such initial 14-calendar day
27 period, the Council may approve or disapprove the request by resolution within 30 calendar days
28 of the initial receipt of the request from the Mayor, or such request shall be deemed to be
29 approved: *Provided further*, That such increases shall comply with all reserve requirements
30 contained in the District of Columbia Home Rule Act.

31
32 SEC. 120. (a) The amount appropriated by this Act as Other Type Funds may be
33 increased by no more 25 percent to account for an unanticipated growth in revenue collections.

34 (b) Conditions on Use - The District of Columbia may obligate or expend these amounts
35 only in accordance with the following conditions:

36 (1) Certification by the Chief Financial Officer - The Chief Financial Officer of
37 the District of Columbia shall certify that anticipated revenue collections support an increase in
38 Other Type authority in the amount requested.

39 (2) Notice Requirement - The amounts may be obligated or expended only if the
40 Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in
41 writing 30 days in advance of any obligation or expenditure.

42
43 This division may be cited as the "District of Columbia Appropriations Act, 2005".
44
45
46

1 *DISTRICT OF COLUMBIA AUTHORIZATION REQUEST*

2 *DIVISION – B¹*

3
4 SEC. 121. Section 446 of Part D of Title IV of the District of Columbia Home Rule Act,
5 approved December 24, 1973 (87 Stat. 777; D.C. Official Code, sec. 1-204.46), is amended by
6 striking the phrase "within 50 calendar days" and inserting the phrase "within 50 calendar days,
7 excluding days of Council recess," in its place.
8

9 SEC. 122. Section 362 of the District of Columbia Fiscal Year 2004 Budget Support Act
10 of 2003, passed by the Council on first reading May 6, 2003 (Enrolled Bill 15-218) is hereby
11 enacted into law.
12

13 SEC. 123. The District of Columbia School Reform Act of 1995, approved April 26,
14 1996 (Public Law 104-134; 110 Stat. 1321; D.C. Official Code, sec. 38-1902.01 et seq.), is
15 amended as follows:

16 (a) Section 2002(10)(B) (D. C. Official Code, sec 38-1800.02(10)(B)) is amended to read
17 as follows:

18 “(B) Exception. – The term “District of Columbia Government” neither
19 includes the Authority nor a public charter school. Nothing in this subsection shall be
20 interpreted to exempt a public charter school from complying with the development of
21 the complete financial statement and report established under section 424(c)(24) of part D
22 of title IV of the District of Columbia Self-Government and Governmental
23 Reorganization Act (D.C. Official Code 1-204.48(c)(24)).”.

24
25 (b) Section 2552 (D. C. Official Code, sec 38-1805.52) is amended by adding a new
26 subsection (d) to read as follows:

27 “(d) Audits. – Upon implementation of such program, the agency or authority
28 created or designated pursuant to subsection (a)(2) is authorized to request, on an annual basis,
29 from the Board of Education and the Superintendent, a financial audit of those projects described
30 in section 2551(b)(2)(a). The audit shall be performed pursuant to specifications as may be
31 described in the request and shall be conducted by an independent auditor approved by the Chief
32 Financial Officer of the District of Columbia.”.

33
34 SEC. 124. Notwithstanding any other law, section 110(d)(1)(B)(i) of the Technical
35 Amendments Act of 1999, effective April 12, 2000 (D.C. Law 13-91; (D.C. Official Code § 1-
36 608.56, note), is enacted into law.
37

38 SEC. 125. The District of Columbia government is exempt from the overtime provisions
39 in section 7 of the Fair Labor Standards Act, approved February 14, 2003 (Public Law 108-6; 29
40 U.S.C. § 207), when employees are on a compressed work schedule up to 80 hours per pay
41 period.
42

¹ General Provisions included under Division B shall be transmitted by the Mayor to the House Committee on Government Reform and Senate Committee on Governmental Affairs for enactment.

1 SEC. 126. The following proviso under the heading "Lottery and Charitable Games
2 Enterprise Fund" in the District of Columbia Appropriations Act, 1982, approved December 4,
3 1981 (95 Stat. 1174; Public Law 97-91), is repealed:

4 *"Provided further*, That the advertising, sale, operation, or playing of the lotteries, raffles,
5 bingos, or other games authorized by D.C. Law 3-172 is prohibited on the Federal enclave, and
6 in adjacent public buildings and land controlled by the Shipstead-Luce Act as amended by 53
7 Stat. 1144, as well as in the Old Georgetown Historic District:".

8
9 SEC. 127. (a) The Federal Deposit Insurance Act, approved September 21, 1950
10 (Public Law 81-797; 64 Stat. 873; 12 U.S.C. 1811 et seq.), is amended as follows:

11 (1) Section 3 (12 U.S.C. 1813) is amended as follows:

12 (A) Subsection (a) is amended as follows:

13 (i) Paragraph (1)(A) is amended by striking the phrase "and District
14 bank,".

15 (ii) Paragraph (4) is repealed.

16 (B) Subsection (q) is amended as follows:

17 (i) Paragraph (1) is amended by striking the phrase "any District bank,".

18 (ii) Paragraph (2)(A) is amended by striking the phrase "(except a District
19 bank)".

20 (iii) Paragraph (3) is amended by striking the phrase "(except a District
21 bank)".

22 (2) Section 7(a)(1) (12 U.S.C. 1817(a)(1)) is amended by striking the phrase
23 "(except a District bank)".

24 (3) Section 10(b)(2)(A) (12 U.S.C. 1820(b)(2)(A)) is amended by striking the
25 phrase "(except a District bank)".

26 (4) Section 11(12 U.S.C. 1821) is amended as follows:

27 (A) Subsection (c) is amended as follows:

28 (i) Paragraph (2)(A) is amended as follows:

29 (I) Subparagraph (i) is amended by striking the phrase "or District
30 bank".

31 (II) Subparagraph (ii) is amended by striking the phrase "or
32 District bank".

33 (ii) Paragraph (3)(A) is amended by striking the phrase "(other
34 than a District depository institution)".

35 (5) Section 18 (12 U.S.C. 1828) is amended as follows:

36 (A) Subsection (c)(2) is amended as follows:

37 (i) Subparagraph (A) is amended by striking the phrase "or a District
38 bank".

39 (ii) Subparagraph (B) is amended by striking the phrase "(except a
40 District bank)".

41 (iii) Subparagraph (C) is amended by striking the phrase "a District Bank
42 or".

43 (B) Subsection (d)(1) is amended by striking the phrase "(except a
44 District bank)" both times it occurs.

45 (C) Subsection (f) is amended by striking the phrase "(except a District
46 bank)".

(D) Subsection (i)(2) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (B) is amended by striking the phrase “(except a District bank)”.

(iii) Subparagraph (C) is amended by striking the phrase “(except a District bank)”.

(iv) Subparagraphs (B) and (C) are redesignated as subparagraphs (A) and (B), respectively.

(b) Section 203(s)(5) of the National Housing Act, approved June 27, 1934 (Public Law 73-479; 48 Stat. 1246; 12 U.S.C 1709(s)(5)), is amended by striking the phrase “or District bank”.

(c) Section 2(c)(3) of the Bank Enterprise Act of 1991, approved December 19, 1991 (Public Law 102-242; 105 Stat. 2308; 12 U.S.C. 1841(c)(3)), is repealed.

(d) Section 3(b)(1) of the Bank Holding Company Act of 1956, approved May 9, 1956 (Public Law 84-511; 70 Stat. 133; 12 U.S.C. 1842(b)(1)), is amended by striking the phrase “or a District bank”.

(e) Section 2(1) of the Bank Protection Act of 1968, approved July 7, 1968 (Public Law 90-389; 82 Stat. 1294; 12 U.S.C. 1881(1)) is amended by striking the phrase “and district banks”.

(f) Section 207 of the Depository Institution Management Interlocks Act, approved November 10, 1978 (Public Law 95-630; 92 Stat. 3674; 12 U.S.C. 3206), is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraphs (2), (3), (4), (5) and (6) are redesignated as paragraphs (1), (2), (3), (4) and (5), respectively.

(g) The Securities Exchange Act of 1934, approved June 6, 1934 (Public Law 86-70; 48 Stat. 881; 15 U.S.C. 78a et seq.), is amended as follows:

(1) Section 3(a)(34) (15 U.S.C. 78c(a)(34)), is amended as follows:

(A) Subparagraph (A)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(B) Subparagraph (B)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(C) Subparagraph (C)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(D) Subparagraph (D)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(E) Subparagraph (F)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(F) Subparagraph (G)(i) is amended by striking the phrase “a bank in the District of Columbia examined by the Comptroller of the Currency,”.

(G) Subparagraph (H)(i) is amended by striking the phrase “or a bank in the District of Columbia examined by the Comptroller of the Currency”.

(2) Section 12(i) (15 U.S.C. 781(i)) is amended by striking the phrase “and banks operating under the Code of Law for the District of Columbia”.

SEC. 128. The third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows:

1 "However, the fiscal year for the Armory Board shall begin on the first day of January
2 and shall end on the thirty-first day of December of each calendar year, and, beginning the first
3 day of July 2004, the fiscal year for the District of Columbia Public Schools, District of
4 Columbia Public Charter Schools and the University of the District of Columbia shall begin on
5 the first day of July and end on the thirtieth day of June of each calendar year."

6 SEC. 129. District of Columbia Public Safety Event Fund Authorization: Funds are
7 authorized, at such sums as may be appropriated, to reimburse the District of Columbia for local
8 costs directly associated with providing public safety support for events within the District of
9 Columbia and related to the presence of the federal government or international public entities,
10 as well as other public safety responses to terrorist threats, risks, or attacks.

11 SEC. 130. Section 450A of Part D of Title IV of the District of Columbia Home Rule
12 Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1-204.50a), is amended
13 as follows:

14 (a) Subsection (a)(7) is amended to read as follows:

15 "(7) Replenishment. -- The District of Columbia shall appropriate sufficient
16 funds each fiscal year in the budget process to replenish any amounts allocated from the
17 emergency reserve fund during the preceding fiscal year by the end of the third fiscal year
18 following any such allocation. Once the emergency reserve equals 4 percent of total budget
19 appropriated from local funds for operating expenditures for the fiscal year, the District of
20 Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish
21 any amounts allocated from the emergency reserve fund during the preceding year to maintain
22 a balance of at least 4 percent of total funds appropriated from local funds for operating
23 expenditure by the end of the third fiscal year following any such allocation".

24 (b) Subsection (b)(6) is amended to read as follows:

25 "(6) Replenishment. -- The District of Columbia shall appropriate sufficient funds
26 each fiscal year in the budget process to replenish any amounts allocated from the
27 contingency reserve fund during the preceding fiscal year by the end of the third fiscal year
28 following any such allocation. Once the contingency reserve equals 3 percent of total funds
29 appropriated from local funds for operating expenditures, the District of Columbia shall
30 appropriate sufficient funds each fiscal year in the budget process to replenish any amounts
31 allocated from the contingency reserve fund during the preceding year to maintain a balance
32 of at least 3 percent of total funds appropriated from local funds for operating expenditures by
33 the end of the third fiscal year following any such allocation."

34 (c) A new subsection (d) is added to read as follows:

35 "(d) The Chief Financial Officer of the District of Columbia shall reduce
36 proportionately the amount deposited to the emergency reserve fund and the contingency
37 reserve fund pursuant this section to prevent the combined amount in both funds from
38 exceeding the lesser of \$300,000,000 or the amount necessary to meet the required applicable
39 percentage for each fund. Nothing in this subsection shall be interpreted to alter the
40 requirements of subsections (a)(3) and (b)(3) of this section."

41
42 SEC. 131. Section 424a(f) of Part B of Title IV of the District of Columbia Home Rule
43 Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code, sec. 47-317.6), is amended
44 as follows:

1 (a) A new paragraph (4) is added to read as follows:

2 “ (4) The term “retirement systems” means the funds and administration
3 necessary to implement any retirement program authorized by the District of Columbia Council
4 or the Congress that are maintained within the District Government but does not include the
5 administration of the retirement programs funded by the District of Columbia Retirement Reform
6 Act of 1979 (93 Stat. 866; D.C. Official Code §§ 1-712(a) and 1-713(a)), and continued by
7 section 111(a) and 112(a) of the District of Columbia Police Officers, Fire Fighters, and
8 Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C.
9 Law 12-152; D.C. Official Code §§ 1-903.01(a) and 1-903.02(a)).”.

10
11 SEC. 132. Section 6 of An Act To provide the retirement of officer’s and members of the
12 Metropolitan Police force, the Fire Department of the District of Columbia, the United States
13 Park Police force, the White House Police force, and of certain officers and members of the
14 United States Secret Service, and for other purposes, approved Aug. 21, 1957, (Pub. L. 85-157
15 71 Stat. 399; D.C. Official Code 5-732) is amended as follows:

16 (a) The first sentence is amended to read as follows: “There are hereby authorized to be
17 appropriated from revenues of the United States such sums as are necessary to reimburse the
18 District of Columbia, on a monthly basis, for benefit payments made from revenues of the
19 District of Columbia to or for federal employees and to or for the surviving children and
20 spouse of such federal employees under the provisions of subchapter I of this chapter and to
21 reimburse the District of Columbia for the administrative costs associated with making such
22 benefit payments for credit to the revenues of the District of Columbia: *Provided*, That benefit
23 payment reimbursement shall only be to the extent that such benefit payments exceed the
24 deductions from the salaries of federal employees.”.

25
26 This division may be cited as the “District of Columbia Omnibus Authorization Act, 2005 ”.

27
28 Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Home
29 Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code, sec. 1-204.46).